

*Report
on the
Inspection
of the
Peterborough
Lakefield
Community
Police Service*

October 2007

Public Safety Division

**A report by the
Police Quality Assurance Unit
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Ministry of Community Safety and
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Report on the Inspection of the Peterborough Lakefield Community Police Service

July 2007

Introduction

Within the Ministry of Community Safety and Correctional Services, the Public Safety Division is responsible for facilitating the improvement of policing throughout Ontario.

The Division's Police Quality Assurance Unit supports the delivery of adequate and effective policing in Ontario by conducting inspections and monitoring compliance with legislative and regulatory requirements. Inspections are based on relevant legislation, regulations and guidelines issued by the Ministry, generally accepted police practices, general management principles, directions relating to new initiatives, and other relevant criteria.

The inspection program is currently focused on:

- business planning;
- prisoner care and control;
- traffic management, traffic law enforcement and road safety; and
- use of force.

Ministry of Community Safety and Correctional Services

The statutory responsibilities of the Minister of Community Safety and Correctional Services (the Minister) are set out in section 3 of the *Police Services Act (PSA)*. Included are requirements that the Minister shall:

- monitor police services to ensure that adequate and effective police services are provided at the municipal and provincial levels;
- develop and promote programs to enhance professional police practices, standards and training;
- conduct a system of inspection and review of police services across Ontario;
- assist in the coordination of police services;
- provide information and advice respecting the management and operation of police services;
- issue directives and guidelines on policy matters; and,
- develop and promote programs for community-oriented police services.

Public Safety Division

Within the Ministry of Community Safety and Correctional Services (the Ministry), the Public Safety Division provides leadership and works with stakeholders to:

- promote community safety and crime prevention;
- provide and support training, education and professional development;
- develop and monitor professional standards and policies in support of legislation;
- ensure compliance through advice, inspections and CPIC audits;
- regulate and support the private investigation and private security industry; and,
- provide scientific laboratory services in support of the administration of justice and public safety programs.

Policing Standards Manual

The guidelines contained in the Policing Standards Manual are one mechanism used by the Ministry to meet the statutory requirements set out in section 3 of the *PSA*. In particular, the guidelines:

- set out the Ministry's position in relation to policy matters;
- provide information and advice respecting the management and operation of police services;
- provide recommendations for local policies, procedures and programs;
- promote coordination in the delivery of police services;
- promote the delivery of community-oriented police services; and,
- promote professional police practices, standards and training.

The guidelines are also one of the primary tools to assist police services boards, chiefs of police, police associations and municipalities with their understanding and implementation of the *PSA* and its Regulations including the Regulation on the *Adequacy and Effectiveness of Police Services (Adequacy and Effectiveness Regulation)*.

Police Services Inspection Program

The Police Services Inspection Program, carried out by the Police Quality Assurance Unit, is another mechanism used by the Ministry to meet the statutory requirements set out in the *PSA*.

Inspections and reviews are conducted to determine compliance with requirements set out in the *PSA* and its Regulations. Inspections are also conducted to determine the extent to which police services boards and/or chiefs of police have followed the Ministry's guidelines for local policies and procedures. The actual practices of the police service are examined to determine conformity with the board's policies and the police service's own procedures.

The following criteria are used:

1. applicable legislation, e.g., the *PSA*, the *Criminal Code*;
2. applicable regulations, e.g., *Adequacy and Effectiveness, Equipment and Use of Force*; and,
3. guidelines issued by the Ministry, generally accepted police practices, general management principles, directions relating to new initiatives and other relevant criteria.

Prior to commencing the inspection, the Inspection Team met with the Board, the Chief of Police and the Police Association(s) to provide an overview of the proposed work plan. Inspection Teams normally review the policies and procedures of a police service prior to the on-site phase of an inspection.

While on site, the Inspection Team examined the actual practices of the Police Service through observations, record reviews and staff interviews. Regular updates were provided to the Chief of Police and senior command staff. Based on this work, the Inspection Team made findings and provided recommendations to the Board and the Chief of Police with the overall goal of improving the delivery of police services. At the conclusion of the on-site phase, a verbal debriefing session was given to the Board, the Chief of Police and the Police Association(s) to provide an overview of the preliminary findings.

As part of the inspection planning process, the Ministry has reviewed guideline AI-012 (Use of Force). The guideline was found to contain references that do not accurately reflect the requirements of the *Equipment and Use of Force Regulation*. As a consequence, certain references in the sample board policy and in the procedural elements and practices may be misleading if not read in conjunction with the Regulation. The sample board policy should therefore not be adopted verbatim. Procedure language should be crafted to ensure the requirements of the Regulation are met. The Ministry has initiated the process to correct and clarify guideline AI-012. Inspection practices and findings in this report have been adjusted to compensate for these issues.

In accordance with Ministry policy, the Inspection Report is provided to the Board, with copies to the Chief of Police and the Police Association(s). A copy of the Inspection Report is also provided to the Ontario Civilian Commission on Police Services.

The Board and the Chief of Police are asked to provide the Ministry with a coordinated response, status report, or action plan for follow-up, within 90 days of receipt of the Inspection Report. Inspection Team members and the Police Services Zone Advisor are available to meet with the Board, the Chief of Police and Police Association(s) to discuss the findings and recommendations. Also, the Zone Advisor is prepared to assist with the development of a response and will monitor the implementation of the recommendations.

While the contents of the Inspection Report are generally confidential, they are subject to applicable freedom of information and protection of privacy legislation. Any request received by the Ministry for a copy of a completed Inspection Report will be directed to the Board.

Approximately 25% of police services in Ontario will be inspected each year. The consolidated results of these inspections will be reviewed by the Ministry and shared with the police community.

Findings and Recommendations - 2007 Inspection

Inspection of the Peterborough Lakefield Community Police Service

An Inspection Team of four Police Services Advisors from the Police Quality Assurance Unit conducted the inspection of the Peterborough Lakefield Community Police Service. The inspection was carried out over a five-day period between June 11 and June 15, 2007. S/Sgt. Cory McMullan acted as the liaison officer for the Inspection Team.

The Inspection Team reviewed the policies and procedures of the Police Service prior to the on-site phase of the inspection. While on site, members of the Police Service were interviewed and actual practices were examined. Based on this work, findings about the policies, procedures and practices of the Peterborough Lakefield Community Police Service were identified and fourteen (14) recommendations for improvement were made. Those recommendations are outlined in the remainder of this Inspection Report.

Assessments are based upon compliance with legislation and regulations, consistency with Ministry guidelines and the effectiveness of organizational processes.

Peterborough Lakefield Community Police Service

The Peterborough Lakefield Community Police Service provides police services to the City of Peterborough and the Lakefield Ward, with a combined population of over 80,000 residents.

Police Headquarters is located at 500 Water Street in the City of Peterborough. The Lakefield Office is maintained at 12 Queen Street in Lakefield.

The Peterborough Lakefield Police Services Board, chaired by Dr. Thomas B. Symons, provides overall direction to Chief of Police Terry McLaren.

The Police Service reported in its 2006 Annual Report an authorized strength of 121 police officers and 43 civilians, for a total complement of 164 staff.

Business Planning

Police Services Board – Policy

Section 30(1) of the *Adequacy and Effectiveness Regulation* requires the Board to prepare a business plan, at least once every three years. Ministry guideline AI-001 includes a recommended sample board policy with respect to business planning.

Findings:

The Peterborough Lakefield Police Services Board has a policy, No: AI-001 “Framework for Business Planning” issued March 16th, 2007. The Board’s policy is consistent with the sample board policy provided by the Ministry.

Police Services Board – Practices

Section 31(1)(b) of the *Police Services Act* assigns Police Services Boards responsibility to “generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality”. Ministry Guideline AI-001 “Framework for Business Planning” identifies areas for the Board to consider when creating policy and recommends developing its Business Plan “in partnership with the Chief of Police”.

Section 30(1) of the *Adequacy and Effectiveness Regulation* requires a police services board to prepare, at least once every three years, a business plan that addresses:

- the objectives, core business and functions of the police service, including how it will provide adequate and effective police services;
- quantitative and qualitative performance objectives and indicators relating to:
 - the police service's provision of community-based crime prevention initiatives, community patrol and criminal investigation services;
 - community satisfaction with police services;
 - emergency calls for service;
 - violent crime and clearance rates for violent crime;
 - property crime and clearance rates for property crime;
 - youth crime and clearance rates for youth crime;
 - police assistance to victims of crime and re-victimization rates; and
 - road safety;
- information technology;
- police facilities; and
- resource planning.

In addition, section 32(1) requires a board to enter into a protocol with municipal council that sets out the dates by which the business plan should be provided to municipal council, the responsibility for making it public, and if municipal council chooses, jointly determining and participating in the consultation processes for the development of the business plan.

Furthermore, section 32(2) requires a board to consult with its municipal council, school boards, community organizations and groups, businesses and members of the public during the development of the business plan.

Findings:

In recent years, the Peterborough Lakefield Community Police Service has worked within the framework established by its 2004–2006 Business Plan and reported annually to the Board on the achievement of the goals and objectives in the plan. Development of the 2004-2006 plan involved significant community consultation. In acknowledgement of the value of that consultation, a similar process was embraced for the subsequent Business Plan.

In June 2006, the process was initiated to develop the Business Plan for 2007-2009. The intent was to solicit broad input from staff and the community to help provide direction for the new plan. External policy, procedure and legislative influences also played a role in shaping the plan. The Police Services Board issued a request for proposal for the development of the business plan. The Board selected the RETHINK GROUP, led by Mr. Rob Lockhart, to assist in developing the plan.

Approach

The Board decided to utilize the five strategic directions around which the 2004-2006 business plan had been organized:

1. Community Based Crime Prevention and Problem Solving
2. Public Safety Enforcement – Community Satisfaction
3. Resource Management Planning
4. Police Facilities and Equipment
5. Technology

The goals and objectives that had been identified under each of the strategic directions from the 2004–2006 business plan were reviewed to determine the relevance for the next three years, and to determine if any should be removed or modified. The analysis of internal, community and external input also determined if additional goals and objectives should be included in the 2007-2009 Business Plan.

Internal Input

Internal input was solicited from the members of the Peterborough Lakefield Community Police Service through a survey tool and five workshops. The survey was distributed to all staff (including civilians), with 52 of 164 responding. Five half-day workshops were held for:

- Senior staff,
- Non-commissioned officers,
- Constables with eleven or more years of service,
- Constables with less than eleven years of service, and
- Civilian members.

During these sessions, the results of the internal survey were reported and discussed. Staff then examined the current goals and objectives under each strategic direction and recommended modifications/editing, additions and deletions. The input from all of the sessions was integrated and synthesized under each strategic direction and provided to the Planning Committee along with the results of the internal survey, and the community and Board sessions.

The Chief of Police and Deputy Chief were not involved in these workshops however they have been involved in the subsequent process.

Community Input

Community input was sought during seven three-hour forums and workshops from:

- Stakeholder groups,
- Peterborough residents,
- Lakefield residents and stakeholder groups,
- College and university students,
- Elementary and high school students, and
- Peterborough Social Planning Council – two workshops.

Some of the delegates were recruited in an attempt to increase representation (cross-section of interests, income, background, residence location, ethnicity, and occupation). Some participants responded to newspaper advertisements. All of the delegates attending the stakeholder session were identified and invited to participate by their parent organizations.

Discussion at the community forums centered on three questions:

1. What's great about the Peterborough Lakefield Community Police Service?
2. What concerns or worries you the most about your community from a safety and security perspective?
3. What suggestions do you have that would improve the police service?

Once all of the ideas were themed, delegates 'voted' for the ones that each thought were their top choice for each topic.

Police Services Board Input

The Police Services Board provided its opinion in the research stage of the process. A workshop, modeled after the community sessions, was held with four of the five Board members and the Board's Administrative Assistant.

Role of the Planning Committee

A seven-member Planning Committee with representation from the Police Services Board, the Police Service and the Police Association met four times during the process: once in June 2006 to initiate the task, and three times in November and December, 2006 to analyze the input and advance the draft goals and objectives for the 2007-2009 plan.

At the three working sessions, the list of goals and objectives developed during the staff sessions was pared down and edited to identify those items that were determined to be the most appropriate for inclusion within the business plan. Additional goals and objectives were added and others further modified to reflect additional information, including the response from the community and the Board; as well as external influences, circumstances and information.

Role of the Police Services Board

A briefing meeting with the Board was held on August 18, 2006 to provide Board members with the opportunity to make recommendations regarding the upcoming community input sessions. The goals and objectives recommended by the Planning Committee went to the Board for review, input and final approval in a workshop held on March 15, 2007. Also presented to the Board were the results of the internal staff survey and the community forums.

Performance Indicators and Oversight

The Police Service determined what the performance indicators would be with respect to the individual business plan objectives and who had carriage of monitoring performance results.

Present Status

The Peterborough Lakefield Police Services Board is presently in the process of finalizing its business plan for the period 2007 – 2009.

The plan addresses the objectives and core business functions of the police force, including how it will provide adequate and effective police services.

The plan does not include quantitative performance objectives and indicators relating to the eight elements as required in the Regulation:

- *the police service's provision of community-based crime prevention initiatives, community patrol and criminal investigation services;*
- *community satisfaction with police services;*
- *emergency calls for service;*
- *violent crime and clearance rates for violent crime;*
- *property crime and clearance rates for property crime;*
- *youth crime and clearance rates for youth crime;*
- *police assistance to victims of crime and re-victimization rates; and*
- *road safety.*

The Board has entered into a protocol with municipal council that sets out the dates by which the business plan would be provided to municipal council, the responsibility for making it public, and if municipal council chooses, jointly determining and participating in the consultation processes for the development of the business plan. The Board is therefore in compliance with section 32 (1) of the Regulation.

Recommendations:

The Inspection Team recommends that:

1. The Police Services Board ensure that the Chief of Police and Deputy Chief, in addition to being partners in the development of the Business Plan are consulted in the information gathering stage of the process.
2. The Police Services Board ensure that quantitative performance objectives for the eight elements identified in the *Adequacy and Effectiveness Regulation* are included in its next business plan.

Chief of Police – Procedures

The Ministry's guideline on business planning (AI-001) outlines the recommendations for police service procedures.

Every police service's procedures should address:

- a) *information technology and security, including electronic file management, security systems, software usage and auditing; and*
- b) *police facilities management, including:*
 - i) *identifying an individual(s) who is responsible for the overall management of the police service's facilities;*
 - ii) *requiring the maintenance of an updated inventory of police facilities; and*
 - iii) *the appropriate use of police facilities, including facility security and maintenance.*

Findings:

The Chief of Police has a procedure on Information Technology and Facilities (General Order A1-001-11) effective June 10th, 2002 revised May 29th, 2006. The order addresses all of the recommendations contained within the Ministry guideline. The Facility/Fleet Manager, under the supervision of the Divisional Commander of Operations, is responsible for the overall management of the police service's facilities.

Police Service – Practices

Findings:

Copies of the business plan are posted on the police service's Internet website and mailed to the residences of all members.

In his annual report to the Board, the Chief of Police reports on the status of the individual objectives contained in the Business Plan.

Prisoner Care and Control

Police Services Board - Policy

Section 29 of the *Adequacy and Effectiveness Regulation* requires the Board to have a policy with respect to prisoner care and control. The Ministry's guideline on prisoner care and control (LE-016) includes a recommended sample policy.

Findings:

The Peterborough Lakefield Community Police Services Board has a policy on prisoner care and control (Board Policy LE-016 dated March 16th, 2006) which is consistent with the Ministry's sample board policy. The Board has complied with section 29 of the *Adequacy and Effectiveness Regulation* with respect to prisoner care and control.

Chief of Police - Procedures

Section 13(1)(1) of the *Adequacy and Effectiveness Regulation* requires the Chief of Police to establish procedures and processes with respect to prisoner care and control. The Ministry's guideline on prisoner care and control (LE-016) outlines the Ministry's recommendations for police service procedures on prisoner care and control.

In addition to the regulatory requirements under the *Adequacy and Effectiveness Regulation*, the Board's policy also requires the Chief of Police to establish procedures on prisoner care and control.

Findings:

The Chief of Police has a procedure on prisoner care and control (General Order LE-016, amended 2005-01-28). The Chief of Police has therefore complied with section 13(1)(1) of *Adequacy and Effectiveness Regulation* and the Board's policy.

The Inspection Team reviewed the Police Service's procedure on prisoner care and control and determined that, with one exception, it is consistent with the Ministry's guideline (LE-016).

Ministry guideline LE-016 recommends that a police service's procedure address issues related to security, including firearms and lock-up areas. The Police Service's procedure on prisoner care and control does not address this requirement.

Recommendations:

The Inspection Team recommends that:

3. The Chief of Police revise the Police Service's procedure on prisoner care and control to address issues related to security, including firearms and lock-up areas.

Police Service – Practices

Findings:

The Peterborough Lakefield Community Police Service operates a holding facility for temporary confinement, usually less than 24 hours, where detainees are held pending release, arraignment, adjudication, or transfer to another facility. For the purposes of the Peterborough Lakefield Community Police Service, the holding facility includes the sally port, the booking area, the bullpen and cell areas, an interview room, intoxilyzer test room, legal counsel telephone room and the shower room. These areas, other than the interview room on the second floor, are located on the basement level (1st floor) of the Police Headquarters.

The Peterborough Lakefield Community Police Service patrol function is structured into four platoons. Officers assigned to the platoons work 12-hour shifts. Each platoon is supervised by one patrol staff sergeant and two patrol sergeants. The staff sergeant performs the duties of officer-in-charge (OIC), including the booking in, lodging, monitoring, release and recording of all prisoners.

The OIC performs visual checks of lodged prisoners with support from the members of the communications centre who observe prisoner areas by means of the police service's visual television monitoring/videotaping system. Monitoring of this equipment is intended to provide early warning if a prisoner appears in distress or requires assistance. Upon placing a prisoner in the cells, the OIC will notify communications and identify any risk factors related to the prisoner. The OIC or assigned designate will then perform physical security checks of lodged prisoners every 60 minutes.

The Police Service's visual television monitoring/videotaping system also records video images of activities in the sally port, intoxilyzer room, search/booking area and individual cells. The fingerprint room and the interview room designated as a holding facility are not included in the videotaping system.

The cell area consists of six individual male cells, four individual female/young person cells and one bullpen. The female cells are segregated physically from continuous view of male prisoners. The young person cells are segregated physically from continuous view of adults.

Toilet and sink facilities are provided in each cell area; fire extinguishers are readily available and out of reach of prisoners; heat detectors are installed in the cell area; and first aid equipment is readily available. The beds in the cells are constructed of metal, with an open space beneath the sleeping surface. The surface area is an open weaved criss-cross pattern. Prisoners can position themselves under the bed, making it difficult to conduct visual checks by monitor. Communications staff interviewed by the Inspection Team confirmed this as a problem and reported that, when it occurs, the OIC is notified immediately to conduct a physical check.

Although there is no alerting or assistance alarm system in the cell area or booking area, other measures are in place, as outlined by procedure (General Order LE-016), ensuring security is in place. In addition, emergency fire escape doors are secured and have electronic alerting systems monitored at the communications centre. Members in the communications centre control the sally port door and the door from the sally port leading into the booking area. Communications centre staff also monitor the initial booking of a person being detained and if assistance is required additional officers are assigned. Effort has been made to ensure that the booking area is free from weapons of opportunity however, the booking room desk is not secured to the floor or wall. The booking room desk has been turned over by prisoners in the past and is a safety risk to members and prisoners.

The Police Service detained 187 individuals between May 1, 2007 and May 31, 2007 and completed a prisoner record of detention for each detainee. Thirty of these records were selected at random and reviewed with respect to section 1 of Ministry guideline LE-016 and the Police Service's General Order LE-016 on prisoner care and control. The records were found to be complete, thorough and used appropriately in all cases.

Section 4 of Ministry guideline LE-016 recommends that the chief of police should, following an escape, review the procedures, processes and practices of the police service for prisoner care and control and report back to the board. This is also required by the Board's Policy on prisoner care and control.

On April 17, 2007, an in-custody prisoner was being escorted from the cells in the basement area, to an interview room on the second floor. All prisoners are escorted up a rear stairwell and directly into the interview area. While the prisoner was in the stairwell, he exited a side door and fled on foot. The Chief reviewed the procedures, processes and practices of the Police Service for prisoner care and control, took appropriate interim action and reported to the Board on June 12, 2007.

The Chief has identified that the physical layout of the building partially contributed to the escape by the prisoner. The Service has received approval for renovations to the building and the new holding facility and prisoner interview rooms will be located side by side, thereby reducing the risk of a prisoner escaping while being escorted from the cell area to an interview room.

Section 3 of Ministry guideline LE-016 recommends that the chief of police ensure members involved in prisoner care and control have the knowledge, skills and abilities required to perform the function, including knowledge of first aid/CPR, precautions for communicable diseases, suicide prevention, recognition of symptoms of excited delirium and positional asphyxia and prevention, care for impaired persons and the maintenance and operation of safety equipment.

Training records of officers (OIC and acting OIC) involved in prisoner care and control were reviewed and it was determined that all have the knowledge, skills and abilities required to perform the function.

Recommendations:

The Inspection Team recommends that:

4. The Chief of Police review the holding facility with a view to physically securing the booking area desk; assessing the cell beds; and ensuring that all areas designated as a holding facility are included in the visual television monitoring/videotaping system.

Traffic Management, Traffic Law Enforcement and Road Safety

Police Services Board - Policy

Section 29 of the *Adequacy and Effectiveness Regulation* requires the Board to have a policy with respect to traffic management, traffic law enforcement and road safety.

Section 29 also requires the Board to have policies with respect to investigative supports for technical collision investigation and reconstruction; and breath analysis.

Section 30(2)(b)(viii) requires that the Board's Business Plan address quantitative and qualitative performance objectives and indicators relating to road safety. This requirement will be addressed in the Business Planning section of this Inspection Report.

The Ministry's guideline on Traffic Management, Traffic Law Enforcement and Road Safety (Guideline LE-017) includes a recommended sample board policy.

Findings:

The Peterborough Lakefield Police Services Board has a policy on Traffic Management, Traffic Law Enforcement and Road Safety (i.e., Board Policy LE-017 issued March 16, 2006). The Board's policy mirrors the sample Board Policy offered in the Ministry guideline.

Traffic issues are given a high priority by members of the community. "The need to crack down on traffic violations and poor driving" was the fifth highest priority (out of 58) identified during community consultations conducted in relation to the development of the Board's 2007-2009 Business Plan.

Chief of Police - Procedures

Section 8 of the *Adequacy and Effectiveness Regulation* requires the Chief of Police to establish procedures on traffic management, traffic law enforcement and road safety. In addition, section 14(1) requires the Chief of Police to establish procedures and processes in respect of technical collision investigation and reconstruction; and breath analysis. Section 14(4) further requires the Chief of Police to ensure that a person who provides technical collision investigation, reconstruction or breath analysis investigative support has the knowledge, skills and abilities to provide that support.

Ministry guideline LE-017 outlines the Ministry's recommendations for police service procedures on traffic management, traffic law enforcement and road safety.

In addition to the regulatory requirements under the *Adequacy and Effectiveness Regulation*, the Board's policy requires the Chief of Police to develop and implement a traffic management, traffic law enforcement and road safety plan.

Findings:

The Chief of Police has issued Peterborough Lakefield Community Police Service General Order LE-017 on Traffic Management, Enforcement and Road Safety. This procedure was most recently amended on May 04, 2007.

General Order LE-017 serves as the Chief's procedure, and the Police Service's Traffic Management, Traffic Law Enforcement and Road Safety Plan. The procedure provides detailed direction on many traffic issues and incorporates most of the recommendations offered in Ministry guideline LE-017. The Safe and Efficient Flow of Traffic is a recurring theme, stated in several areas of the procedure.

The procedure/plan includes:

- Part I Traffic Management and Selective Enforcement;
- Part II Alcohol/Drug-Related Driving Offences;
- Part III Towing of Vehicles;
- Part IV Motor Vehicle Collisions;
- Part V Fail to Remain and Fail to Report Collisions;
- Part VI Motor Vehicle Fatality;
- Part VII Traffic Law Enforcement;
- Part VIII Licence Suspensions and Prohibition;
- Part IX Hazardous Materials and Dangerous Goods;
- Part X Damage to Police Vehicles;
- Part XI Public and Commercial Motor Vehicle Violations;
- Part XII Traffic Direction and Control;
- Part XIII Military Vehicle Driving Permits; and
- Part XIV Diplomatic and Consular Immunity.

The *Adequacy and Effectiveness Regulation*, in section 14(1), requires the Chief of Police to establish procedures and processes in respect of technical collision investigation and reconstruction; and breath analysis. Collision Reconstruction and Breath Analysis are addressed in General Order LE-017 and the Skills Development and Learning Plan (General Order AI-002).

Beyond Basic Constable Training, the Ontario Police College offers three levels of training in collision investigation: AT Scene Collision Investigation (Level II); Technical Collision Investigation (Level III); and Collision Reconstruction (Level IV). Each course is a prerequisite for the next and each enables the investigator to testify at an advanced level. General Order LE-017 refers to the Accident Reconstruction Team however it does not distinguish the levels of expertise in that discipline. The Skills Development and Learning Plan does not address the levels separately.

Section 14(4) of the *Adequacy and Effectiveness Regulation* requires the Chief of Police to ensure that a person who provides technical collision investigation, reconstruction or breath analysis investigative support has the knowledge, skills and abilities to provide that support. The Skills Development and Learning Plan provides that members trained in Collision Reconstruction will attend seminars to maintain their knowledge and skills and will be assessed by the Traffic Sergeant. Trained Breath Analysis Technicians will complete annual re-qualification exams and will be assessed by their management team and the Intoxilyzer Operations Coordinator. Technical Collision Investigation is not specifically addressed.

Procedures in relation to the acquisition, use and maintenance of speed measuring/timing devices, and approved screening devices and instruments for alcohol related investigation, are recommended in section 2(f) of Ministry guideline LE-017. Section 5 of the guideline recommends that every Chief of Police should ensure that police officers who use, maintain or calibrate any speed measuring/timing devices and approved screening devices and instruments for alcohol related investigations that are used by the police service have the knowledge, skills and abilities required to perform those particular functions.

Acquisition practices, although well understood, are not detailed in the procedures. Similarly, the regular calibration of the Intoxilyzer and Approved Screening Devices is a well-known standard operating procedure that is not captured in writing.

Training in the use of Approved Screening Devices is the responsibility of Intoxilyzer Technicians. Selected members have been trained as instructors in relation to speed measuring/timing devices and they provide users with initial and refresher training. Section 17 of Ministry guideline AI-013 recommends that every Chief of Police should ensure that, at least every 24 months, every member who may be required to use speed detection devices, receives a refresher training course from two to four hours by a qualified instructor that reviews the topics covered in the initial training course, including updates on changes in case law, new technological developments and/or operating procedures.

Refresher training in relation to speed measurement/timing devices is a scheduled element of the Police Service's In-Service Training Program and is reflected in Appendix B of the Skills Development and Learning Plan. Refresher training should be scheduled every two years.

Section 3 of Ministry guideline LE-017 recommends that every police service should implement an impaired driving countermeasures program in accordance with local needs. Enforcement activities specific to Alcohol/Drug-Related Driving Offences are detailed in part 2 of the procedure however impaired driving countermeasures are not addressed. Members interviewed reported involvement in several activities designed to combat impaired driving. Drinking and Driving countermeasures are not specified in the Business Plan or the Traffic Plan, however, RIDE statistics are reported in the Annual Reports.

It is noteworthy that the Peterborough Lakefield Community Police Service hosted the launch of the annual Ontario Association of Chiefs of Police Drive Safe campaign on June 8, 2007. The launch coincided with a charity event co-hosted by the Police Service, the Ontario Community Council on Impaired Driving (OCCID) and Operation Lookout Peterborough. The purpose of the event was to raise awareness and garner support for safe, sober driving. School groups were bussed to the Peterborough Memorial Centre to participate.

Recommendations:

The Inspection Team recommends that:

5. The Chief of Police revise General Orders LE-017 and AI-002 to address Technical Collision Investigation separate from Collision Reconstruction;
6. The Chief of Police revise the Traffic Management, Traffic Law Enforcement and Road Safety Plan to reflect the Police Service's participation in impaired driving countermeasures.
7. The Chief of Police revise procedures to document the equipment acquisition process; calibration and maintenance procedures; and training requirements for instructors and operators; and to require that appropriate training records; and calibration and maintenance logs be maintained.

Police Service - Practices

Findings:

Uniformed Patrol Officers provide the majority of traffic enforcement. Members of the Traffic Unit support and enhance platoon activities, focusing as much as possible on selective enforcement and collision reduction. Members of the Traffic Unit regularly assist Community Patrol members at traffic-related and non-traffic calls for service.

The Peterborough Lakefield Community Police Service has a six-member Traffic Unit, managed by a Traffic Sergeant who reports to the Inspector, Operations. The five Constable Traffic Officers work 10-hour shifts days and afternoons, seven days a week.

The Traffic Unit's annual goal, identified in the 2005 Annual Report, was: *"to conduct proactive enforcement focused on collision reduction"*.

In the 2006 Annual Report, the Traffic Unit's objective was: *"reducing collisions from the 2005 level. This was to be achieved through selective enforcement, media involvement and increased team participation in traffic details"*.

The Traffic Unit also provides traffic analysis and role-specific policy support. By virtue of sharing office space with the Collision Reporting Centre, the Traffic Sergeant is immediately apprised of unusual collisions or multiple collision locations.

The Media Officer and the Traffic Sergeant work with the news media to provide information about traffic occurrences and to convey proactive messages designed to educate, elicit compliance and prevent collisions.

Although most members of the Police Service interviewed by the Inspection Team reported casual knowledge of General Order LE-017, they consistently articulated the practices detailed in the procedure. All members interviewed reported comfort with their ability to readily access paper or electronic copies of the procedures.

Community Patrol members and Traffic Officers participate in:

- spring and fall seatbelt enforcement campaigns;
- festive season and, occasionally, random RIDE programs;
- continuous enforcement focused on curtailing aggressive driving behaviour; and
- enforcement at identified high-collision locations.

Fail to Remain investigations may be conducted by patrol officers or may be assigned to the Traffic Unit. The assignment of the investigation is determined by the platoon supervisor in consultation with the Traffic Sergeant.

School Bus related infractions are treated very seriously and the Traffic Sergeant receives "Bus Watch" reports from School Bus drivers.

The Collision Reporting Centre (CRC) was established in 2002. Persons involved in certain non-injury collisions, in the City of Peterborough, may report the collision to the CRC on their own volition, on advice of a police dispatcher, or at the direction of a police officer who attends the scene of a collision. When collisions are reported to the CRC, insurance and documentation charges may be initiated by members of the Alternative Response Unit. Enforcement of moving violations requires that an officer attend the scene of the collision.

Traffic education programs are a shared responsibility involving Community Services, the Traffic Unit and Community Patrol Officers. The Traffic Sergeant is a member of the Operation Lookout Committee, which is linked electronically to the Ontario Community Council on Impaired Driving (OCCID) and related organizations. A member of the Community Services Unit is the Police Service's liaison with the Peterborough Drug Awareness Coalition, an organization active in a variety of activities designed to prevent the misuse of alcohol and drugs. Traffic personnel participate regularly in role-specific training and information-sharing conferences.

To support traffic activities, the Peterborough Lakefield Community Police Service employs a wide variety of role-specific equipment including Approved Screening Devices; Intoxilyzer; LIDAR and RADAR speed measurement/timing devices; high visibility jackets/vests; Total Station; Specialized patrol vehicles and motorcycles.

Traffic training requirements are projected by the Inspector, Operations, in consultation with the Training Sergeant and are reflected in Appendix B of General Order AI-002, the Skills Development and Learning Plan.

Special training is required in several disciplines related to traffic enforcement. At the time of the Inspection, members with traffic-related special training included:

- 20 Breath Technicians;
- 2 Drug Recognition Experts;
- 3 Level IV Collision Reconstructionists;
- 2 Level III Technical Collision Investigators;
- 2 Level II Collision Investigators;
- 2 Radar/Lidar Instructors;
- 105 members trained to operate speed measurement/timing devices; and
- 6 Motorcycle Operators.

Complete training (qualification) records for Breath Technicians are readily available. Training records for other traffic training, including instructor certification are retained by individual members and instructors. Corporate records are inconsistent.

The Police Service maintains calibration and repair logs for their Intoxilyzer and Approved Screening Devices. The Intoxilyzer is calibrated once a week and available approved screening devices are calibrated once every two weeks. Assignment and return of Approved Screening Devices are not strictly controlled and, if not returned at the end of each shift, devices may not be available for calibration.

Patrol Officers confirm the calibration of an Approved Screening Device before taking it on patrol and they conduct a personal test of the device prior to administering a test on a driver.

Operators test speed measurement/timing devices in accordance with the manufacturer's instructions. Calibration of these devices is restricted to the manufacturer and authorized service locations.

Breath Technicians provide user training on Approved Screening Devices and members trained as instructors in relation to speed measuring/timing devices provide initial and refresher training to members who use that equipment.

Recommendations:

The Inspection Team recommends that:

8. The Chief of Police ensure that traffic-related training is conducted and that corporate records of training and instructor certification are retained in addition to the records currently retained by individual instructors.

Use of Force

The *Criminal Code of Canada* and the *Provincial Offences Act* address the use of force by police. *Police Services Act Regulation 926 (Equipment and the Use of Force)* sets out requirements and limits in relation to the use of force, including approved weapons, training, reporting and technical specifications for handguns.

Ministry guideline AI-012 (Use of Force) is meant to provide assistance with understanding and implementing the *Equipment and Use of Force Regulation*. Boards should consider the requirements of the *Regulation* and the guideline sample policy when establishing their own policy. In addition, chiefs of police should interpret the guideline in conjunction with the *Regulation* requirements when developing procedures and practices.

Police Services Board - Policy

Ministry guideline AI-012 recommends that boards have a policy addressing use of force and related matters, including training, authorized weapons, reporting and accountability to the community. In addition, the guideline recommends boards direct the chief of police to establish procedures consistent with the requirements of the *Equipment and Use of Force Regulation*.

Findings:

The Peterborough Lakefield Community Police Services Board has a by-law in effect addressing use of force (By-Law No. 1993-76, approved April 20, 1993) and the Board is currently in the process of developing a policy to replace the existing by-law.

The Inspection Team reviewed the by-law and found that it addresses, either fully or partly, only five elements recommended by Ministry guideline AI-012. The guideline elements addressed are:

- that members do not use force on another person unless they have successfully completed a training course on the use of force, and do not carry a firearm unless they have successfully completed a training course on the use of firearms, and are competent in the use of the firearm (Guideline section c(iii));
- that a written record is maintained of the training courses taken by the members of the police service on the use of force and the use of firearms (Guideline section c(x));
- ensure the reporting of the use of force by members (Guideline section d);
- the ongoing review and evaluation of local use of force procedures, training and reporting (Guideline section e); and
- the Chief of Police to provide a copy of the Police Service's annual use of force study to the Board for review (however there is no mention of ensuring the availability of the study to the community as recommended in section f of the Guideline).

Recommendations:

The Inspection Team recommends that:

9. The Police Services Board develop and approve a policy on use of force.

Chief of Police - Procedures

Ministry guideline AI-012 provides chiefs of police with recommended procedural elements on use of force including ensuring that procedures on firearms address compliance with sections 3 to 11 of the *Equipment and Use of Force Regulation*. The guideline also recommends procedures on impact weapons, aerosol weapons, remedial training and use of force reporting.

Findings:

The Chief of Police has established procedures on the use of force (General Order AI-012, approved May 12, 2004, and amended twice since to include the deployment of TASER conducted energy devices). The Inspection Team reviewed the procedures and found that, with two exceptions, the procedures are consistent with the elements recommended in the Ministry guideline. The exceptions are:

- ensuring members have one full magazine loaded in the issued handgun when on duty (section 16 of Ministry guideline AI-012 referencing section 3(4) of the *Equipment and Use of Force Regulation*); and
- ensuring members shall not draw or discharge a firearm unless he or she believes, on reasonable grounds, that to do so, is necessary to protect against loss of life or serious bodily harm (section 16 of Ministry guideline AI-012 referencing section 9 of the *Equipment and Use of Force Regulation*).

Recommendations:

The Inspection Team recommends that:

10. The Chief of Police revise General Order AI-012 to comply with the *Equipment and Use of Force Regulation*.

Police Service - Practices

Findings:

Section 2 of Ministry guideline AI-012 recommends that police officers, at minimum, are issued with handguns, oleoresin capsicum aerosol spray and batons. The Inspection Team verified that Peterborough Lakefield Community police officers are each issued with a .40 calibre pistol (Glock Model 22), oleoresin capsicum (OC) spray (brand name Red Sabre) and a baton type impact weapon (ASP expandable – 26” length when expanded). Three full magazines of factory-loaded ammunition are issued with each handgun. Member interviews and a review of firearms re-qualification training records indicate that duty ammunition is regularly exchanged for new ammunition during annual firearms re-qualification, as recommended in section 17(a) of the guideline.

Section 14(1) of the *Equipment and Use of Force Regulation* permits the use of weapons other than firearms if the weapon has been approved for use by the Solicitor General. The Peterborough Lakefield Community Police Service has issued conducted energy weapons (TASER M26) to members of their preliminary perimeter control and containment team and to front-line supervisors. Twenty-one police officers have been trained in TASER use and the Service displayed copies of all 21 successful TASER training tests to the Inspection Team. The weapon type and deployment comply with the conditions of the Minister's approval, contained in All Chiefs Memorandum #05-007 dated January 13, 2005.

Section 13(c) of Ministry guideline AI-012 recommends the active ingredient in aerosol weapons to be oleoresin capsicum (OC) 5%-10%. The Chief of Police has established this requirement in General Order AI-012. The Inspection Team examined the Red Sabre brand aerosol weapons issued by the Service and found the active ingredient listed on the manufacturer's label to be reported as oleoresin capsicum 10%. Members interviewed by the Inspection Team confirmed that OC weapons issued to members are being replaced whenever a member uses the OC weapon while in the performance of his/her duty and in accordance with the manufacturer's specifications.

Section 3(5) of the *Equipment and Use of Force Regulation* permits the Chief of Police to authorize members to carry firearms, for a special purpose, other than the semi-automatic pistol specifically required by the *Regulation*. The Inspection Team found that the Chief has authorized, in General Order AI-012, the use of shotguns by police officers assigned to patrol duties and designated as "shotgun officers"; by front-line supervisors; and by members of the containment team. The procedure provides direction regarding the special purpose of these shotguns and their use. Members interviewed reported that only members of the containment team carry their shotgun with them while on routine patrol. Other authorized members must return to the police station to acquire a shotgun when necessary.

Section 14.3 of the *Equipment and Use of Force Regulation* requires the Police Service to ensure that, at least once every twelve months, every member who may be required to use force on another person receives a training course on the use of force. The Service is also required to ensure that every member who is authorized to carry a firearm successfully completes a training course on the use of firearms at least once every twelve months.

Use of force training to general patrol platoons and other members last occurred in October of 2006. The Inspection Team reviewed the use of force training syllabus and found it included the elements required by section 14.4 of the *Regulation*. The Inspection Team was advised that the Police Service plans to modify its training schedule, commencing in the fall of 2007, to provide use of force training to all members in October and firearms re-qualification in November of each year.

General firearms re-qualification was conducted in January and February of 2007. Training records indicate that the re-qualification involved a pass/fail test on a 50-round course of fire. This is consistent with the Ministry's approved course of fire recommended in guideline AI-012.

Section 14.3(2) of the *Equipment and Use of Force Regulation* requires the Service to maintain written records of the training courses taken by members on the use of force and the use of firearms. The Inspection Team found that the Service has written records that are created and maintained by the Sergeant, Training and Media Officer, designated by the Chief of Police. Member attendance at use of force or firearms training is recorded on a master attendance list developed by the instructor. Any absences are recorded. Copies of the attendance sheet are forwarded to the Training and Media Officer, who monitors attendance and liaises with commanders within the Service to re-schedule members who were absent from scheduled training.

The Inspection Team reviewed the records of all 127 police officers within the Police Service to determine compliance with the regulated requirement that members successfully complete a training course on the use of firearms at least once every twelve months. Eighteen of the 127 police officers had not completed re-qualification training in the use of firearms within twelve months of the inspection date and are therefore not in compliance with the *Regulation*.

The Inspection Team also reviewed the records of all 127 police officers and 12 special constables to determine compliance with the *Regulation* in relation to use of force training. Training records on the use of force indicate that eight police officers and one special constable have not completed use of force training within the past twelve months.

The Peterborough Lakefield Police Service has 26 Auxiliary members who are governed by General Order AI-005 - Use of Auxiliaries (approved March 12, 2002). Section 4.2 of the procedure prohibits the auxiliary member from being equipped with a weapon or using force on another person unless they have completed use of force training and "annual re-qualifications".

The Service issues a baton and handcuffs to Auxiliary members and provides use of force training twice a year along with brief firearms familiarization training. The firearms familiarization provides members of the Auxiliary with a basic understanding of the operation of the Service's handgun however this training is not the equivalent of the firearms training/re-qualification described in the *Regulation*.

It was reported to the Inspection Team that training was provided to 19 of the 26 Auxiliary members on June 5 and June 6, 2006. On June 4, 2007, 10 of the 26 auxiliary members were trained, while the remaining members are to be trained later this year. Auxiliary use of force training is not compliant with the Chief's procedure.

Section 5(c) of Ministry guideline AI-012 recommends that training on use of force be conducted by members certified by the Ministry as Use of Force Trainers. Seven members are appointed as use of force trainers however, the Service was able to provide use of force trainer certificates for only three instructors. Past practice has been that certificates are provided to individual members and copies were not routinely retained by the Police Service.

Section 14.5(1) of the *Equipment and Use of Force Regulation* requires members of the Police Service to submit a report when handguns are drawn, firearms are discharged or force is used, under described circumstances and limits, and that the report be submitted in Form 1 of the *Regulation*. The Inspection Team verified that Service members are completing reports on the use of force as required by the *Regulation*. The blank reports are readily available in the main patrol report writing room and the Inspection Team observed that two slightly different types of reports were available. In addition to the Form 1 report prescribed by the *Regulation*, the Service also uses a modified form that is almost consistent with the *Regulation* Form 1. The Service's modified form does not include the option of "Impact Weapon – Soft" in the "Type of Force Used" category.

Completed use of force reports are reviewed by the member's immediate supervisor, divisional commander and the Training and Media Officer. Each reviewer signs an additional form (#170A) and the form is attached to the original use of force report. The Inspection Team reviewed all 131 completed use of force reports submitted between January 1, 2006 and May 30, 2007. All reports reviewed were fully completed and reviewed. The Inspection Team verified that Part B of the use of force report is being destroyed as required by section 14.5(3.1) of the *Regulation*.

The *Equipment and Use of Force Regulation*, in section 14.5(5), requires the Police Service to review, on a regular basis, its policies and training on the use of force, having regard to the use of force reports submitted by members. The Service has a process to review procedures on a four-year cycle. The use of force procedure has been amended twice since approval and it was reported to the Inspection Team that another audit of the procedure is scheduled for later in 2007.

Section 22(i) of Ministry guideline AI-012 recommends that the Service produce an annual study that includes an analysis of use of force reports identifying use of force trends for the entire Service. The Inspection Team was provided with copies of two such reports for 2005 and 2006. These reports include statistics and analyses regarding any possible emerging trends. These studies are consistent with the Ministry guideline, however they do not provide any analyses or recommendations regarding policy, procedure or training in support of the review required by 14.5(5) of the *Regulation*.

Ministry guideline AI-012 recommends, in section 22(j), that the annual use of force study be reviewed by the Chief of Police and the Police Services Board. The Inspection Team reviewed Board meeting minutes that indicated the receipt of the study by the Board, and the date of the meeting. Furthermore, section 22(k) of the guideline recommends that the annual use of force study be made available to the community. The Inspection Team was advised that the studies are presented to the Board in the public portion of the Board meetings and that copies of the studies are made available to media representatives in attendance and to any other person who requests one.

Recommendations:

The Inspection Team recommends that:

11. The Chief of Police ensure that police officers, civilian and auxiliary members who require firearms training/re-qualification receive such training in compliance with the *Equipment and Use of Force Regulation*;
12. The Chief of Police ensure that all police officers, civilian members and auxiliary members that require use of force training receive such training in compliance with the *Equipment and Use of Force Regulation*;
13. The Chief of Police retain copies of certificates attesting to members' qualification as use of force instructors.
14. The Chief of Police ensure that use of force reports collect all of the information included on Form 1 of the *Equipment and Use of Force Regulation* and that a regular review is conducted on the Police Service's procedures, training and reporting on the use of force based on information obtained from the reports.